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UNCLAS SECTION 01 OF 02 UNVIE VIENNA 000001

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SUBJECT:EU ON "HARM REDUCTION": THROW US A BONE

REF: A) UNVIE 00666, B) UNVIE 00660

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Summary

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¶1. In negotiations leading to the March 2009 meeting of the Commission on Narcotic Drugs, the European Union has insisted that any review of the 1998 UNGASS Political Declaration Addressing the World's Drug Problem include the ever-controversial term "harm reduction." Thanks in part to recent senior-level engagement by A/S Johnson and others, we believe the EU is starting to soften its hard-line stance although it will insist on language beyond what has previously been used in UN resolutions. In order to capitalize on this development, it would be helpful to: 1) engage the EU and clarify the parameters within which it is willing to negotiate "harm reduction" 2) work with allies on this issue to determine their tolerance for flexibility as well as assess their preferred manner of future engagement and 3) craft alternative language that will satisfy our concerns and provide the EU with a chance to resolve this thorny issue. By following this three-step approach, the U.S. will more likely appear as a proactive, constructive, and able leader to the other delegations, a role that we hope will produce a successful conclusion of the 10-Year Review of the 1998 UNGA Special Session (UNGASS) resolution to fight drugs. END SUMMARY.

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Background

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¶2. Some European Union members include in their drug demand reduction strategies the concept of "harm reduction," an ill-defined term which could encompass everything from counseling to medically prescribed heroin injected in clinics. Although "harm reduction" is a secondary issue in the overall efforts to reduce the demand for illicit drugs, it plays no role in reducing the world's drug supply or the control of chemical precursors. However, the EU has increasingly placed primary importance on "harm reduction" in their approach to the UNGASS review exercise, referring to it in opening remarks to this fall's UNGASS working groups, as well as insisting on referring to the term throughout the text of the draft action plan that has emerged from these working group negotiations.

¶3. The U.S. and its allies have consistently pressed the point that the primary goal is to reduce demand of drugs, not the harm associated with drug use. In the past the U.S. and like-minded countries have kept the term out of UN drugs-related resolutions, including the 1998 Declaration on the Guiding Principles of Drug Demand Reduction, and the November 2008 UNGA drug resolution. Nevertheless, recognizing that some countries identify "harm reduction" measures as part of their national comprehensive strategies to reduce demand, delegations in the 1998 UNGASS were able to reach compromise language that reads, "Demand reduction programmes should cover all areas of prevention, from discouraging initial use to reducing the negative health and social consequences of drug abuse..." The 1998 language has proven to be quite durable, consistently being used as a substitute for any explicit "harm reduction" reference, as happened in resolutions at the annual UN Commissions on Narcotic Drugs (CND) after 1998, and in the UN General Assembly in November 2008. (Note: in 2006 a UNGA Political Declaration on HIV/AIDS included the term in relation to drug use

and when reaffirming that prevention of HIV must be the mainstay of any response to the pandemic. End note.)

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EU: Softening but also  
Insisting on "Progress"  
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¶4. Over the past few weeks UNVIE has engaged in "harm reduction" discussions with EU members in a variety of fora complimenting the strong message that A/S David Johnson delivered here in early December. (reftel A) We have detected an EU willingness to soften its hard-line stance on the issue of "harm reduction." At a dinner Ambassador hosted in honor of INL Assistant Secretary Johnson, UK Ambassador told DCM and missionoff that the EU's main goal was to "move the ball forward, however incrementally." His main concern, he stated, was that whatever comes out of the March 2009 CND, the EU cannot afford to "go backwards." In subsequent conversations, our UK interlocutor told missionoffs that the EU needs "something more" than the 1998 Political Declaration language, or the November 2008 UNGA omnibus drug resolution language. An EC representative and a Czech Health Ministry official acknowledged to missionoff that getting the term "harm reduction" into the 2009 CND documents would be difficult, but insisted that they needed "something that would show the increasing realization that harm reduction measures are a part of many nation's drug demand reduction strategies." In short, they insisted that any agreement show an "evolution" of past language.

¶5. Germany has been carrying the "harm reduction" ball for the EU in the UNGASS discussions in Vienna. UNA Counselor urged her German counterpart to be politically realistic about this issue, noting that at the recent G-8 Lyons-Roma meeting in Kyoto, Russia, Japan, and Canada, in addition to the U.S., opposed the EU's position on

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"harm reduction" language. In addition, she pointed out, a number of G-77 (e.g., Pakistan) and GRULAC (e.g., Colombia) countries are also opposed. On the margins of the annual Paris Pact Policy Consultative Group meeting in Vienna December 15-16, UNA Counselor made the same points to Axel Kuechle, a senior MOFA official from Berlin, who also represented Germany at the Kyoto G-8 meeting. Kuechle acknowledged the political realities and expressed a willingness to find compromise language. However, he also made the point that the 2009 documents should indicate some progress beyond the 1998 language.

¶6. At the December 15 coordination meeting Ambassador hosted with the incoming Czech presidency, UNA Counselor raised similar points to the Czech ambassador and his colleagues (reftel B). Czech counselor Petr Havlik gave the same response, noting the need to show "progress" on this issue in the political declaration to be negotiated for the high-level segment of the 2009 CND. The Czech officials expressed willingness to work with the U.S. and asked us to propose alternative language.

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Continue to engage with the EU  
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¶7. From our perspective, the EU has been negotiating for some time in "bad faith" on this issue. When the UNGASS review process they created failed to yield favorable results on "harm reduction," they switched tactics and are now trying to undermine that very same process. Their rather dogmatic stance on this issue -- which local Ambassadors attribute to the Commission in Brussels -- seems to have prevented constructive communication. Nevertheless, we need to continue to engage with the EU and to offer alternatives, keeping in mind their premise that the 1998 language needs to evolve "however incrementally."

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Build Alliance with Like-Minded  
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¶8. Since the U.S. is not the only country opposing "harm reduction," UNVIE will continue to reach out to like-minded delegations to gauge their tolerance for flexibility. Such efforts could lead to a coordinated common position and/or agreed

alternatives. On the other hand, if some of the other states we prepared to weather a confrontation with the EU, we may want to take a harder stand and reject any proposal that does not hew exactly to the 1998 or the 2008 UNGA language.

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Comment  
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¶9. The EU seems to be softening its insistence on "harm reduction," apparently realizing that negotiations on the term itself have been and will continue to be fruitless. And certainly at the Ambassadorial level, there are a few in Vienna who are prepared to see this issue scuttle the Commission on Narcotic Drugs meeting or occupy much more diplomatic band width. Although they have made no specific offer of alternative language, our European allies have laid down a marker that the 2009 documents would have to show "evolution" from 1998 and 2008 language. Their willingness to compromise will depend not only on the strength of our (and our allies') opposition, but also on our willingness to find a constructive compromise. If we take the pen proactively, i.e., offer alternative language, we would more likely control the process, demonstrate leadership to the like-minded, and secure cooperation with all. A U.S. delegation seen as a leader who is proactive, constructive and engaged is vital to the successful outcome of the UNGASS Review at the March, 2009 CND.

SCHULTE